

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JERMAINE A. HAMPTON,

Plaintiff,

v.

Case No. 20-C-936

WAYNE BAUER, et al.,

Defendants.

ORDER DENYING MOTION FOR PROTECTIVE ORDER

Plaintiff Jermaine Hampton, who is currently serving a state prison sentence at Waupun Correctional Institution and proceeding *pro se*, filed a complaint under 42 U.S.C. § 1983, alleging that Defendants violated his civil rights by failing to protect him from another inmate who assaulted him. This matter comes before the court on Plaintiff's motion for a protective order against Defendants' first request for production of documents. Dkt. No. 23.

Plaintiff asserts that the requested medical files are not relevant to the claim. However, his medical records are relevant to any showing of harm and damages. Defendants have a right to review Plaintiff's medical records concerning the incident to determine what if any injuries Plaintiff sustained. Such information is relevant both to the seriousness of the risk Plaintiff faced and his claim for damages. Plaintiff is therefore directed to fully respond to Defendants' discovery requests.

Additionally, Federal Rule of Civil Procedure 26(c)(1) requires that any party seeking a protective order from the court "include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court

action.” Plaintiff has included no such certification or any evidence showing that he attempted to confer with Defendants prior to filing his motion.

Based on the foregoing, Plaintiff’s motion for a protective order (Dkt. No. 23) is **DENIED**. If Plaintiff wishes to proceed in this action, he must timely comply with discovery requirements pursuant to Rules 26–37 of the Federal Rules of Civil Procedure and the court’s scheduling order (Dkt. No. 19) or risk dismissal of his claims. Further, Plaintiff is warned that any future discovery-related motions without the required certifications will be similarly denied.

SO ORDERED at Green Bay, Wisconsin this 27th day of October, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge